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Attorneys for Defendant
JUAN NICHOLAS BENITEZ

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARC JESUS LOPEZ and JUAN
NICHOLAS BENITEZ,

Defendant.

Case No. 2:23-CR-00126-FLA

**DEFENDANT JUAN BENITEZ'S
NOTICE OF REQUEST FOR
EVIDENTIARY HEARING;
DECLARATION OF COUNSEL**

Defendant Juan Nicholas Benitez, by and through his counsel of record, Deputy Federal Public Defender Holt Ortiz Alden, hereby files a notice of request for evidentiary hearing. The attached memorandum details the request.

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: October 17, 2023

/s/ Holt Ortiz Alden

HOLT ORTIZ ALDEN
Deputy Federal Public Defender
Attorney for JUAN NICHOLAS BENITEZ

1 **MEMORANDUM**

2 On September 13, 2023, Mr. Benitez filed a motion to suppress evidence and
3 statements. Dkt. 78. Mr. Benitez noticed a hearing date of October 20, 2023, at 10:30
4 a.m., and requested an evidentiary hearing. Dkt. 78 at 1, 22. The government filed an
5 opposition on September 29, 2023, Dkt. 90, and on October 6, 2023, Mr. Benitez filed a
6 reply, Dkt. 94. In the reply, the defense stated that an evidentiary hearing is no longer
7 necessary because no relevant factual dispute remains. Dkt. 94 at 18.

8 The defense now reasserts Mr. Benitez's request for an evidentiary hearing.
9 Since October 6, additional information has come to the attention of defense counsel. In
10 light of that new information, defense counsel now believes that an evidentiary hearing
11 is necessary. The defense is prepared to file an in camera memorandum detailing such
12 information if the Court so requires.

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14 Respectfully submitted,

15 CUAUHTEMOC ORTEGA
16 Federal Public Defender

17
18 DATED: October 17, 2023

/s/ Holt Ortiz Alden

19 HOLT ORTIZ ALDEN
20 Deputy Federal Public Defender
21 Attorney for JUAN NICHOLAS BENITEZ
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DECLARATION OF HOLT ORTIZ ALDEN

I, Holt Ortiz Alden, declare:

1. I am a Deputy Federal Public Defender with the Office of the Federal Public Defender for the Central District of California and our office has been appointed to represent Juan Nicholas Benitez in this matter.

2. On October 6, 2023, the defense filed a reply in support of Mr. Benitez's motion to suppress evidence and statements. At that time, I did not believe an evidentiary hearing on the motion to suppress was necessary.

3. Since October 6, 2023, additional information has come to my attention. In light of that information, I now believe an evidentiary hearing on the motion to suppress is necessary. I am prepared to file an in camera memorandum detailing that information if the Court so requires.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 17, 2023, in Los Angeles, California.

/s/ Holt Ortiz Alden

HOLT ORTIZ ALDEN

Deputy Federal Public Defender